

## DISTRICT COURT - CRIMINAL DOCKET

Sent 8-6  
8-28

JUDGE/Assigned Trial  
MAGISTRATE 8509

1085 District Office 4  
Disp./Sentence 1-21-76

U. S. vs.

SUMMERS, JAMES NEAL (Bond) (25)  
2644-E--4th-Pi- 5643 S. 85 E. Ave.  
Tulsa, OK 74104 74145  
585-9068 252-4877 defendant

Case Filed  
Day Mo. 12 12  
No. of 1  
Defendants

Yr. | Docket No. | Def.  
75-CR-180 - 1

## CHARGES

U. S. CODE SECTION  
26:5861(d) (e)

OFFENSES  
Possession of illegal firearm and  
sale of firearm w/o paying transfer tax  
(\$10,000 &/or 10 Yrs.)

COUNTS  
2

MAGR. CASE NO. 75-292M

## BAIL • RELEASE

☐ Personal Recog.  
☐ Denied ☐ Unsecured Bond  
AMT ☐ Conditional Release  
Set \$ (000) ☐ 10% Deposit  
\$ 5 ☐ Surety Bond  
11-17-75 date ☐ Collateral  
☒ Bail Not Made  
☐ Bail Status Changed (See Docket) ☐ 3rd Party Custody  
☐ PSA

## SURETIES:

Odean Helm  
Surety Ins. Co  
of California  
624 S. Denver  
Tulsa, OK 74119

Dan T. Stefanoff  
4615 W. 84  
Tulsa, OK 74132

U.S. Attorney or Asst.

Ben F. Baker, Asst. t.

Then Snake

Tom R. Gann - Ret. Dan Kramer, Sute. 600  
2600 Center, Suite 103, 324 S. Main, Tulsa, 74103

2745 E. Skelly, 583-1338 w/drawn 6-18-80  
Defense X CJA, L Ret, L Waived, L Self, L None, L Other, L PD, L CD  
Gary H. Baker PH: 586-5711  
2400 First National Tower  
Tulsa, Okla. 74103

KEY  
INTERVALS  
& DATES

ARREST	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
<input type="checkbox"/> High Risk Defn. & Date Design'd <input type="checkbox"/> U.S. Custody Began on Above Charges 11-21-75	<input checked="" type="checkbox"/> Information 12-12-75 <input type="checkbox"/> Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info	12-16-75 1st Plea " " Final Plea 1-12-76	Trial Set For 1-12-76 <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input checked="" type="checkbox"/> Guilty	Voire Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> J <input type="checkbox"/> N Trial Ended Disposition <input checked="" type="checkbox"/> Convicted <input type="checkbox"/> Acquitted <input type="checkbox"/> Dismissed <input type="checkbox"/> Nollo/Discontinued*

III.  
MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
	Return			11-21-75	CSB 850e	<input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input checked="" type="checkbox"/> Held to Answer to U. S. District Court
Summons	Issued					
	Served					
Arrest Warrant		11-17-75	MLB 850a			AT: Tulsa, Oklahoma
COMPLAINT		11-17-75	MLB 850a	Tape No. 75-292M	INITIAL/No. MLB 850a	Magistrate's Initials ▶ MLB
OFFENSE (In Complaint)	Illegal possession of firearm and sale of firearm without paying transfer tax					

\* Show last names and suffix numbers of other defendants on same indictment/information

## V. Excludable Delay

1975 DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
11-21	Initial hearing before CSB, Mag. Bail fixed \$5,000 C/S.				
11-26	Preliminary hearing before MLB, Mag. Warren Henderson, Agent, O.S.B.N.D.D and Nels C. Nelson, Agent, ATF, testified. Defendant bound over to U. S. District Court.				
12-12	Record vote of Grand Jury Concurring, fld. in Open Court. v				
12-12	Indictment, fld. in Open Court. (AEB-J)v				
12-12	MO: Case set for Arraign. 12-16 at 10 a.m. (AEB-J)v -ntc mld.				
12-15	Petition for WHCAP in re 12-16-75, fld. v -w/i, o	3	12-15-75	✓	2
12-15	Order Granting WHCAP, filed.(AEB-J)b		12-16-75		
12-16	Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict. & is advised of charge. Deft. arraigned & enters plea of NOT GUILTY. Deft. given 10 days to file motions & Govt. 5 days to respond. Case set for trial 1-12-76, 9:30 A.M. Deft. requests reduction of bond. Ct. will consider upon written motion. Deft. remanded to USM.(AEB-J)b				
12-17-75	Deft's Mot. for reduction of Bail, filed. tc	3	12-17-75	E	
12-17-75	Deft's Brief in support of Mot for red. of bail, filed tc				

OPPOSITE THE APPLICABLE DOCKET ENTRIES IN SECTION IV SHOW, IN SECTION V, ANY OCCURRENCE OF EXCLUDABLE DELAY PER 18 USC §3161(h) - "SPEEDY TRIAL ACT".

IV.  
MAGISTRATE  
& DISTRICT  
COURT  
DOCKET  
ENTRIES

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				
		(a)	(b)	(c)	(d)	
12-18-75	MO: It is ordered by the Court that deft's bond is reduced to \$5,000 10%. (AEB-J)b <i>att, called</i>	3	12-18-75	E	2	
12-23-75	MO: Case set for jury trial on 1-12-76, 9:30 A.M. (AEB-J) nts mld b					
12-29-75	WHCAP, ret. & filed: deft. Summers transported from Tulsa County Jail to USDC, Tulsa and returned to Tulsa County Jail, all on 12-16-75. g					
1-9-76	Petition for WHCAP as to Deft. Summers, filed, in re trial setting 1-12-76. o to j, w/i	3	1-9-76 1-12-76	✓	4	
1-12-76	Case called for jury trial. Deft. present & represented. Govt. represented. Deft. announces desire to change plea. Deft. placed under oath. Deft. w/draws plea of Not Guilty & enters plea of GUILTY to Ct. 1. Deft. adjudged GUILTY as charged in Ct. 1. Govt. requests dismissal of Ct. 2. Court allows. Deft. waives jury; waiver signed & filed in open court. Order for dismissal as to Ct. 2 signed & filed in open court. Sentence set for 1-20-76, at 10:00 A.M. Pre-sentence report ordered. (AEB-J)b					
1-12-76	Order for Dismissal of Ct. 2, filed. (AEB-J)b					
1-12	Order, filed, granting WHCAP, in re 1-12-76. (AEB-J)v					
1-13	Return on Writ of HCAP, filed. Rec'd & executed 1-12-76 by delivering dft. to Fed. Ct. & returning him to Tulsa Co. Jail. v					
1-16	Petition for writ HCAP, filed. rm	3	1-16-76 1-20-76	✓	5	
1-16	Writ issued. rm					
1-19	Order granting WHCAP, returned and filed. (AEB-J)ph					
1-20-76	Case called for sentencing. Deft. present & represented. Govt. represented. Sentencing passed to 1-21-76, at 10:00 A.M. (AEB-J)b					
1-20-76	Pet. for Writ of HC Ad Pros., filed.jj	3	1-20-76 1-21-76	✓	2	
1-20-76	Writ issued, jj					
1-21-76	Case called for sentencing. Deft. present & represented. Govt. represented by Kenneth Snoke for Ben Baker. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - James Neal Summers Atty. Gen. - Treatment & supervision until discharged by Fed. WCA 5010(b). Deft. remanded to custody of USM. (AEB-J)b					
1-21-76	Judgment & Commitment, filed & entered. (AEB-J)b					
1-21-76	Two c/c of J&C to USM. b					
1-21	Order, filed, granting WHCAP, in re Deft. Summers in re 1-21-76. (AEB-J)v					
1-23	WHCAP, ret. & filed: deft. Summers transported from Tulsa County Jail to USDC and ret. to Tulsa County Jail on 1-20-76. g					
1-23	WHCAP, ret. & filed: deft. Summers transported from Tulsa County Jail to USDC & ret. to TCJ, 1-21-76. g					

## LETTER CODES

For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h)A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).B. NARA Exami-  
nation (28  
U.S.C. 2902).C. State or Federal  
trials on other  
charges.D. Interlocutory  
Appeals.E. Hearings on  
pretrial motions.F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).G. Defendant Mo-  
tion is actually  
under advise-  
ment. Period of  
up to 30 days  
is excludable  
per  
3161(h)(1)(G).H. Miscellaneous  
Proceedings:  
Probation or  
Parole revoca-  
tion, Deporta-  
tion,  
Extradition.I. Prosecution de-  
ferred by  
mutual agree-  
ment.M. Unavailability  
of defendant or  
essential  
witness.N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.O. Period of  
NARA Com-  
mitment or  
Treatment.P. Superseding  
Indictment  
and/or new  
charges.R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.T. Continuances  
Granted per  
3161(h)(8)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants'  
interests).U. Time between  
guilty plea and  
plea with-  
drawal.V. Time while  
moving prisoner  
from state insti-  
tutions per  
transfer/  
detainer pro-  
cedure.W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).Y. Any delay ex-  
cluded by court  
order for reasons  
not included  
above.

(a)	(b)	(c)	(d)
Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days

## CRIMINAL DOCKET

DATE	PROCEEDINGS
1976	
1-23	Return on Mag.'s Warrant of Arrest, filed. Returned unexecuted, subject before Court on writ on 1-21-76. v
5-4	Deft's Mot. for Reduction in Sentence, filed. O-J cpy to Dene.t
5-24	Order, filed & entered, modifying sentence imposed 1-21-76 as follows: "It is adjudged that the deft. James Neal Summers, does not need commitment, the execution of the sentence is suspended and the defendant is placed on five (5) yrs. probation pursuant to 18 USC 5010(a). Defendant Summers to be released from jail-type or institutional custody forthwith." (AEB-J)g cp to counsel & USM & Prob.)
6-2	USM return on Order of 5-24-76: released James Neal Summers from Tulsa County Courthouse on 5-24-76. g
1980	
6-5	PETITION of Probation Officer for show cause hrg. why deft. Summers' probation should not be revoked, with <u>ORDER</u> of Ct. that warrant issue. (HDC-J)rm- 2 c.c. Probation Office. Warrant issued.
6-11	INFO. sheet of Mag., w/waiver of prel. hrg. b
6-11-80	MO: REV. OF PROB. hrg. set 6-26-80, 10:15 A.M. (JOE-J)b nt/m
6-11	APPEARANCE BOND in amt. of \$5,000 (PR), w/order. spec. methods & conds. of release. b
6-11	MO: Case set for revocation of probation hrg on 6-26-80, 10:15 a.m. (JOE-J)b n/m
6-12-80	RETURN of USM service of warrant for arrest of probationer. Served by arresting James N. Summers on 6-6-80 at Tulsa, OK. Taken before Mag. Rizley, deft released on \$5,000 O/R bond. Hrg continued until set by Court. ra
6/13/80	MO: Bond revoked. (JOE-J)v c/m & to USM & Prob. Martin.
6-13-80	WARRANT ISSUED. b
6-16-80	APPLICATION of Jack Winn & Dan Kramer to w/draw as retained counsel for deft.k (O)
6-18	ORDER allowing Jack Winn & Dan Kramer to w/draw as retained counsel for deft. (JOE-J)k cps/mvt
6-18	PET. WHCAP (6-19-80) b
6-18	PET. WHCAP (6-26-80) b
6-20	ORDER granting WHCAP re rev. of probation hrg. on 6-19-80. (JOE-J)k c/USA
6-20	ORDER granting WHCSP re rev. of probation hrg. on 6-26-80. (JOE-J)k c/USA
6-23	MARSHAL'S RETURN of WHCAP (6-19 hrg). Transported deft from Tulsa Co. Jail to U.S. Mag. Court and back to Co. Jail, all on 6-19-80.ra
6-24	APPLIC. of deft for continuance of hrg on rev. of probation.ra (O)

DATE 1980	PROCEEDINGS
	JAMES NEAL SUMMERS
6-25	ORDER continuing hrg on Rev. of Prob. to 7-15-80, 10:00 A.M. (JOE-J)b c/m
6-30	RETURN of USM service of WHCAP. Returned unexecuted(case continued)ra
7-14	PETITION for WHCAP re revocation of probation hrg. on 7-15-80.k (O)
7-14	ORDER granting WHCAP re revocation of probation hrg. on 7-15-80. W/I. (JOE-J)k cpy/USA
7-15-80	MIN: Hrg on revocation of probation. Steve Martin, Prob. officer sworn & makes report to Ct. Court revokes probation. Upon Govt. request, Ct. order prob. officer to make up-dated report. <u>Sentence set 8-6-80, 9:00 A.M.</u> Ct. O/R's deft's req. for bond <u>reduction &amp; bond remains at \$10,000 C/S.</u> Deft. wits. testify. & will present further wits at time of sent. (JOE-J)b
7-16	RETURN on WHCAP. Deft Summers transported from Tulsa County Jail to USDC and returned to Tulsa County Jail on 7-15-80.lm
7-17	RETURN on subpoenas. Served Mike Buckendorf, J. W. Hallum & Lyle Lawrence. Unexecuted as to Archie Rosencutter, Jr.k
7-18	APPEARANCE BOND in the amount of \$10,000 made. Surety Insurance Co. of California, by Odean Helm, & Dan T. Stefanoff, sureties.k
7-18	INFO. sheet from Magistrate. b
7-21	RETURN on warrant. Executed by arresting deft. at Tulsa Co. Jail on 7-18; deft. released on \$10,000 surety bond 7-18. hm
7-22	MO: SENTENCE IS stricken from 8-6-80, & RESET on 8-28-80, at 9:00 A.M. (JOE-J)b n/m
8-28-80	Deft. Ex. A admitted. Min: Case called for sentence. Deft wits. testify/ SENTENCE: Atty. Gen. - <u>Eighteen (18) Months.</u> Ct. finds deft. would not benefit from YCA. Upon req. of deft. & no object. of Pltf. execution of sent. is deferred to 9-5-80, 10:00 A.M. when deft. is to report to USM. (JOE-J)b
8-28-80	ORDER OF COMMITMENT ENTERED (JOE-J)b c/c USM, Prob. c/m
9-4-80	MO: IT IS ORDERED BY THE COURT that the execution of sent. is extended from 9-5-80 & deft. is to present himself on 9-12-80, at 1:00 P.M. to the U.S. Marshal. (JOE-J)b c/c USM cp US Atty & deft co.
12-11	MOTION of deft. for reduction of sentence, probation or early eligibility for parole with affidavit of Tom R. Gann.k cpy/Judge
12-18	MO: THE GOVERNMENT is ordered to file a response by 12-22-80 to deft's mot/reduction of sentence, etc. (JOE-J)k cps mld

DATE 1980	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
12-22	REQUEST for exten of time from pltf within which to resp.(02BN)am				
12-23	ORDER, granting Govt. to 12-29-80 to file resp. to deft's mot/R.35.(JOE-J)b c/mov				
12-23	RESPONSE by gov. to mot. for reduction of sentence probation, or early eligibility for parole. bs				
1981					
1-27	ORDER, that defts motion for reduction of sentence be overruled for the reason the motion is moot. <del>JOE-J</del> nd cps/mld				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE		PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
		(Document No.)		(a)	(b)	(c)	(d)

AO-257

Interval  
(per Section II)

Start Date

End Date

Ltr.  
Code

Total  
Days